

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANNY J. GOTTSCH,

Defendant.

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8:05CR253

ORDER

This matter is before the court on the motion for an extension of time by defendant Danny J. Gottsch (Gottsch) (Filing No. 33). Gottsch seeks until September 15, 2005, in which to file pretrial motions in accordance with the progression order. Gottsch has previously filed an affidavit wherein he consents to such a motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

Defendant Gottsch's motion for an extension of time (Filing No. 33) is granted. Defendant Gottsch is given until **on or before September 15, 2005**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **September 2, 2005 and September 15, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 2nd day of September, 2005.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge